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OFFICE OF PETITIONS

In re Application of :
Riddiford, et al. : DECISION ON PETITION
Application No. 10/081,122 :
Filed: February 22, 2002 :
Dkt. No.: DP-305565 (7500/87) :

This decision is in response to the "PETITION UNDER 37 CFR 1.183," filed February 16, 2005, requesting waiver or suspension of the rules to allow consideration of the response submitted herewith.

Petitioners argue that the Office was untimely in processing and considering the response submitted June 10, 2004 to the Final Office Action mailed June 2, 2004, and request that the response submitted herewith be deemed timely submitted.

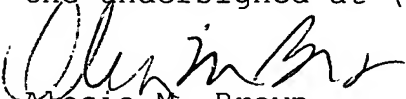
The final Office action was mailed June 2, 2004. A response was filed June 10, 2004. An Advisory Action was mailed January 13, 2005 indicating that the June 10, 2004 response was not approved. Accordingly, the instant application became abandoned September 3, 2004 for failure to timely submit a proper reply to the final Office action mailed June 2, 2004. This decision precedes Notice of Abandonment.

In no event will the statutory period for reply expire later than six months from the mailing date of the final rejection. See, MPEP 706.07(f) and 37 CFR 1.134. The admission of, or refusal to admit, any amendment after a final rejection, a final action, an action closing prosecution, or any related proceedings will not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135, or the reexamination from termination. See, 37 CFR 1.116(b). Moreover, the maximum period allowed by statute for reply to the Office action is six months. See, 35 USC 133.

In an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the

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Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read 'Alesia M. Brown', written in dark ink.

Alesia M. Brown
Petitions Attorney
Office of Petitions